

Appendix B

Sample Notifications and Declarations

1. Sample Grant Deed
2. Sample Notice and Declaration
3. Sample Acknowledgement of Donation

Sample Grant Deed

WHEN RECORDED MAIL TO:

┌ _____ ┐

└ _____ ┘

DOCUMENTARY TRANSFER TAX:

SPACE ABOVE THIS LINE FOR RECORDER'S USE		APN:	
<div style="border: 1px solid black; padding: 5px; display: inline-block;">GRANT DEED</div>			

_____, (“**Grantor**”), hereby GRANTS to
_____, (“**Grantee**”), that certain real property in
the City of _____, County of _____, State of California, described
on Exhibit A and depicted on Exhibit B attached hereto (the “**Property**”).

The Property is being granted pursuant to the Natural Heritage Preservation Tax Credit Act of 2000 (California Public Resources Code Section 37000 *et seq.*). Any transfer of the Property (or any interest in the Property) is subject to the prior written approval of the Wildlife Conservation Board. Requests for such approval should be mailed to the Executive Director, Wildlife Conservation Board, 1807 13th Street, Suite 103, Sacramento, California 95814.

IN WITNESS WHEREOF, Grantor has executed this Grant Deed on the day and year hereafter written.

GRANTOR:

DATE: _____

Sample Notice and Declaration

RECORDING REQUESTED BY AND)
WHEN RECORDED RETURN TO:)
)
State of California)
Wildlife Conservation Board)
Attention: Executive Director)
1807 13th Street, Suite 103)
Sacramento, CA 95814-7117)

Space above this line for Recorder's use

Project Name: _____
County: _____

NOTICE AND DECLARATION (Natural Heritage Preservation Tax Credit Act of 2000)

This Notice and Declaration ("Notice"), dated _____, 2005, is made by _____ (the "Donee"). The Donee acknowledges and agrees on behalf of itself and its successors and assigns as follows:

1. Pursuant to the Grant Deed recorded concurrently with this Notice, the Donee is the owner of the real property in the State of California, County of _____, commonly known as _____ and legally described in Exhibit A, attached to and incorporated by reference in this Notice (the "Property").
2. The Donee acquired the Property through the acceptance of a donation from _____ under the Natural Heritage Preservation Tax Credit Act of 2000, Division 28 (commencing with Section 37000) of the California Public Resources Code (the "Tax Credit Act").
3. Pursuant to the Tax Credit Act, the Wildlife Conservation Board (as defined in Public Resources Code Section 37002(b)) ("WCB") is responsible to implement the Natural Heritage Preservation Tax Credit Program (the "Tax Credit Program") created by the Tax Credit Act. At its Public Meeting held on _____, WCB approved the granting of a tax credit for a donation of the Property pursuant to the Tax Credit Program (the "Approval").
4. The Tax Credit Act restricts the use of property approved for acceptance pursuant to the Tax Credit Act and provides remedies for any unauthorized use of such property.

5. Pursuant to Public Resources Code Sections 37021 and 37015, the Property shall be held and used consistent with the conservation purpose(s) for which WCB approved the donation, which purpose(s) are as follows:

[e.g., Use as a park or open space or to augment public access to or enjoyment of existing regional or local park, beach or open-space facilities.]

Any unauthorized use of the Property shall be subject to the applicable provisions of Public Resources Code Section 37021.

6. Before allowing public access to the Property, Donee agrees to prepare and effect a plan that includes measures that minimize the impact of public access on all landowners adjacent to the Property, and that establishes a setback or buffer area, as necessary, as required by California Public Resources Code Section 37023.
7. If the Donee transfers the Property, the use of the Property shall be restricted by deed to the conservation purpose(s) for which the Property was contributed pursuant to the Tax Credit Program. If WCB determines that the conservation purpose(s) for which the Property was contributed can no longer be achieved due to significantly changed circumstances beyond the control of Donee, the proceeds of the sale shall be used by the Donee to acquire land in California of equal or greater value and comparable public resources as determined by WCB. The land acquired shall meet the criteria of Public Resources Code Section 37015.
8. This Notice shall be binding upon the Donee, its successors and assigns. If the Donee transfers the Property, the references to "Donee" in this Notice shall be deemed to refer to the transferee(s).
9. This Notice is prepared for the purpose of recordation, and it in no way modifies or limits the provisions of the Tax Credit Act or the Approval.

IN WITNESS WHEREOF, the undersigned Donee has executed this Notice and Declaration.

DONEE

By:_____

Print Name:_____

Title:_____

Date:_____

[Attach Notary Acknowledgment]

Sample Acknowledgement of Donation

Natural Heritage Preservation
Tax Credit Act of 2000

Name of Project _____

_____ County, California

Pursuant to the provisions of the Natural Heritage Preservation Tax Credit Act of 2000, California Public Resources Code Section 37000 et seq. the Wildlife Conservation Board has approved the donation of _____
(name of project)

pursuant to the provisions of the Natural Heritage Preservation Tax Credit Program.

The approved donation consists of (describe donation)

_____ (the Donation).

Pursuant to the Act, the Wildlife Conservation Board approves the granting of a state tax credit for the Donation in the amount of \$ _____ dollars, to (full name of donee) _____.

I, Al Wright, Executive Director of the Wildlife Conservation Board, hereby certify that the foregoing is true and correct, pursuant to action taken by the Wildlife Conservation Board in a meeting assembled in Sacramento on _____, 2005.

Al Wright, Executive Director

Date: _____